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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,528	06/25/2001	Michael A. Ekhaus	7744.0061 5737	
26111	7590 09/30/2005		EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W.			COLON, CATHERINE M	
WASHINGTON, DC 20005		ART UNIT	PAPER NUMBER	
			3623	

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
	09/887,528	EKHAUS ET AL.			
Office Action Summary	Examiner	Art Unit			
	C. Michelle Colon	3623			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filled after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
<ol> <li>Responsive to communication(s) filed on <u>25 June 2001</u>.</li> <li>This action is FINAL.</li> <li>Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</li> </ol>					
Disposition of Claims					
4) Claim(s) 1-35 is/are pending in the application.  4a) Of the above claim(s) is/are withdraw  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) 1-35 are subject to restriction and/or experience and the specification is objected to by the Examiner of the drawing(s) filed on is/are: a) access applicant may not request that any objection to the or specification and request that any objection to the organization.	election requirement.  r.  epted or b) objected to by the Edrawing(s) be held in abeyance. See	37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119	•				
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No.</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>					
Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  5) Notice of Informal Patent Application (PTO-152) Paper No(s)/Mail Date					

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## **DETAILED ACTION**

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1. The following is an Election/Restriction Requirement in response to the communication filed June 25, 2001. Claims 1-35 are currently pending in this application.

## Election/Restrictions

2. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Claims 11-18, described as the second embodiment in the specification, are drawn toward providing a recommendation to a user using a recommendation model that is formed from data structures and updated ratings data structures.

Species II: Claims 19-26, described as the third embodiment in the specification, are directed to providing a recommendation to a user using a recommendation model that is formed from data structures and then perturbing the recommendation model.

Species III: Claims 27-34, described as the fourth embodiment in the specification, are directed to providing a recommendation to a user using a recommendation model that is formed from data structures and then truncating the recommendation model.

<u>Species IV:</u> Claim 35, described as the fifth embodiment in the specification, is directed to providing a recommendation to a user using a recommendation model that is formed from a cross-set of co-occurrences between two ratings matrices.

Species V: Claim 9 is directed to providing a recommendation to a user using a recommendation model that is formed from banding a sparse ratings matrix and then distributing the banded sparse ratings matrix to computing nodes.

Species VI: Claim 10 is directed to providing a recommendation to a user using a recommendation model that is formed from striping a sparse ratings matrix and then distributing the striped sparse ratings matrix to computing nodes.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-8 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 3. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Michelle Colon whose telephone number is 571-272-6727. The examiner can normally be reached Monday Friday from 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached at 571-272-6729.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to:

703-872-9306 [Official Communications; including After Final

communications labeled "Box AF"]

571-273-6727

[For status inquiries, draft communication, labeled

"Proposed" or "Draft"]

Hand delivered responses should be brought to:

United States Patent and Trademark Office

**Customer Service Window** 

Randolph Building

401 Dulany Street

Alexandria, VA 22314

C. Michelle Colón Patent Examiner Art Unit 3623